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DOCKET NO.: ISIS-3013



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
FEB 21 2003
PATENT
TECH CENTER 1600/2900
#24

In Re Application of:

Dean Et Al.

Confirmation No.: 7420

Serial No.: 09/403,539

Group Art Unit: 1635

Filing Date: October 22, 1999

Examiner: Jane J. Zara

For: OLIGONUCLEOTIDES FOR ENHANCED BIOAVAILABILITY

EXPRESS MAIL LABEL NO: EV 252263158 US
DATE OF DEPOSIT: February 21, 2003

EV252263158US

Box ☐ NON-FEE
☐ AF

Assistant Commissioner for Patents
Washington DC 20231

Sir:

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated October 22, 2002.
- ☐ An Amendment Supplemental to the Paper filed
- ☐ Other:
- ☒ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
 - ☐ an Independent Inventor
 - ☐ a Small Business Concern

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- ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☒ Appended Material as follows: Exhibits A (Susan M. Freier, *Antisense Drug Technology: Methods of Selecting Sites in RNA for Antisense Targeting*), B (Rosanne M. Crooke et al., *Suborgan Pharmacokinetics*), C (Rosie Z. Yu et al., *Pharmacokinetic Properties in Humans*), D (Luke Whitesell et al., *In Vivo Modulation of N-myc Expression by Continuous Perfusion with an Antisense Oligonucleotide*), E (C. K. Mirabelli et al., *In vitro and in vivo pharmacologic activities of antisense oligonucleotides*), F (Stanley T. Crooke, *Therapeutic Applications of Oligonucleotides*), G (Paul A. Cossum et al., *Disposition of the 14C-Labeled Phosphorothioate Oligonucleotide ISIS 2105 after Intravenous Administration to Rats*), H (Ingo Tamm et al., *Antisense therapy in oncology: new holpe for an old idea*), and I (National Library of Medicine, *PubMed*).
- ☒ Other Material as follows:

FEE CALCULATION

☐ No Additional Fee is Due.

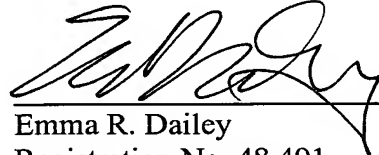
				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	4	20 (20 MINIMUM)	0	\$9 EACH	\$0	\$18 EACH	\$
INDEP. CLAIMS	2	3 (3 MINIMUM)	0	\$42 EACH	\$0	\$84 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$0	\$280	\$
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$55	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$205	\$0	\$410	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$465	\$0	\$930	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$725	\$0	\$1450	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$985	\$0	\$1970	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$0)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$55.00		\$

- ☒ A check in the amount of **\$55.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of October 22, 2002 to and through February 22, 2003 comprising an extension of the shortened statutory period of one month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this paper.

- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 CFR § 1.16.
- ☒ Any additional patent application processing fees under 37 CFR § 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: February 21, 2003



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